

Declaration of
Ronald L. Borne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

ILIO'ULAOKALANI COALITION, a Hawai'i, nonprofit corporation; NA IMI PONO, a Hawaii unincorporated association; and KIPUKA, a Hawai'i unincorporated association, Plaintiffs, v. DONALD H. RUMSFELD, Secretary of United States Department of Defense; and LES BROWNLEE, Acting Secretary of the United States Department of the Army, Defendants.) CIVIL NO. 04-00502 DAE BMK)) DECLARATION OF RONALD L. BORNE))))) Hearing:) Date: November 20, 2006) Time: 9:45) Judge: Hon. David A. Ezra)
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I, Ronald L. Borne, hereby declare that:

1. I am currently the Director of Transformation, U.S. Army Garrison Hawaii. In this capacity, I oversee the planning, programming, synchronization and management of the facility programs and projects to transform the 25th Infantry Division (25th ID), pursuant to the Army Campaign Plan, into a Modular Force, which includes a Stryker Brigade Combat Team (SBCT). As more fully described below, the use of the model MK19, 40 millimeter ("40mm") Machine Gun Grenade Launcher, for training on several US Army Hawaii ranges including Qualification Training Range One ("QTR1"); has minimal ballistic impacts on the environmental when using the training ammunitions.
2. I served as a commissioned officer aviation pilot in the U.S. Army for 17 years until retirement in 1996. Prior to assuming my duties in November 2001 as the Director of Transformation, I served twice as the Range Officer for the 25th ID at Schofield

Barracks, first in May 1992 until May 1996 as the Chief of Operations and Range Officer as a commissioned officer and again from June 2000 until November 2001 as a Department of the Army Civilian. In that capacity, I was responsible for the maintenance, planning, safety, weapons safety, operations and scheduling of military training lands and live fire (use of live ammunition) facilities at Schofield Barracks. I was responsible for 169,000 acres and 32 facilities. Prior to that, from January 1989 until May 1992, I served as the Chief of Range Operations and Aviation Range Officer at the Joint North Atlantic Treaty Organization (NATO) military range complex Grafenwoher Training Area, West Germany. In that capacity, I was responsible for the maintenance, planning, safety, weapons safety, aviation operations and scheduling of military training lands and live fire (use of live ammunition) facilities at Grafenwoher. I was responsible for 68,000 acres and over 80 facilities. As a prior Soldier, aviator, commissioned officer and Range Officer I have personnel experience supervising, planning, operating and firing both the model MK19 40 millimeter ("40mm") Machine Gun Grenade Launcher and an earlier aircraft mounted version, the model M127 40mm Machine Gun Grenade Launcher. I have reviewed the declaration submitted by 'Ilio' Ulaokalani Coalition of Kamoak Quitevis dated 17 November 2006. It contains several inaccuracies.

3. The MK19 40mm Machine Gun Grenade Launcher is a military crew served, direct fire weapon which can be both ground and vehicle mounted and was fielded to Army units in the early to mid 1990s. The MK19 fires by a firing pin striker detonating a primer and propellant and pushing the projectile down a grooved barrel, similar to a rifle. The MK19 is designed to use the ballistics effects of the grenade explosives to cause injury or damage, and not velocity.

4. There are two families of ammunition for the MK19; the service combat high explosive types, which are not used on Schofield Barracks, and the two types of training practice ammunitions - the M385 solid aluminum target practice and the M918 flash simulator target practice round. The M918 round is the chalk round referenced in Dr. Laurie Lucking's declaration. A picture of both rounds can be seen in Mr. Quitevis exhibit 39. Both of these training rounds are used during qualification training at Schofield Barracks. Neither of these rounds is considered to be Unexploded Ordnance ("UXO") once fired. In fact, Soldiers can maneuver and walk over the rounds once fired. The M385 target practice training projectile is a solid slug. The M385 projectile is harmless once the kinetic energy of motion expires and when properly identified can be safely handled.

5. The M918 target practice training projectile is similar to the M385 except that it contains a primer flash charge and chalk-like signaling material to signify the round striking a firm object and making the visual and audio effect of the round strike so the firing Soldier can see it at night or in inclement weather. The M918 contains several parts: a plastic nose cone, a steel cylinder inset; a steel-sleeve body containing a firing pin, and a small visual flash, audio and signaling charge. This very small charge – approximately the amount of powder contained in a .22 caliber round - uses a pyrotechnic primer device to make a noise and a flash and pop open the pre-perforated back of the round to dispense an inert chalk-like material when the round strikes a firm enough target. The M918 projectile is harmless if the signal charge has detonated once the kinetic energy of motion is lost. If the primer charge has not been detonated, any persons can safely handle the round by using basic precautions such as safety glasses, gloves and

tongs. This round does not need to be disposed of by a UXO expert and is not a UXO. Mr. Quitevis may have seen the UXO contractors clearing and disposing of the M918 during UXO clearance activities since clearance of all scrap metals is included under the UXO contract. This likely led to his confusion on this issue.

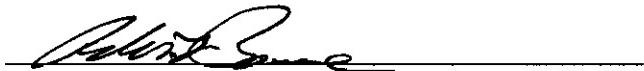
6. Mr. Quitevis also states that "I know the Army has not been using the chalk-filled practice round because I have found no trace of such round in my inspections, including the characteristic orange chalk dispersed by these rounds". His reference to a round leaving orange chalk denotes the use of an inert orange material found in the M781 target practice training round only used in the M79 and M203 shoulder fired 40mm grenade launchers. While similar in caliber, this type of round can not be used with the MK19 and explains why Mr. Quitevis did not find any traces of orange chalk on QTR1. Mr. Quitevis also makes reference to damage caused by the MK19 munitions. Ballistics show the two training rounds are identical and are relatively slow compared to even basic pistol or black power ammunition. While impacts from off target MK19 rounds are possible, changes in range design and target locations, the long distance to areas of concern and restrictions to firing procedures make this very unlikely.

7. I have examined figure 10 from the Oahu Biological Assessment. This figure is not an accurate representation of the current Surface Danger Zones ("SDZ") in this area. It depicts a very early estimate of the possible worst case SDZ for the then proposed ranges that would be built at Schofield Barracks. This depiction of these SDZs is no longer accurate. The UAC SDZ is now virtually non-existent due to a new design that has all munitions fired inside a specially constructed facility. After re-design, there is a much more narrow SDZ for QTR1, and for BAX. Additionally, these SDZs are drawn two

dimensionally, as if on totally flat terrain, and do not reflect the steep elevation gain at the back of the SDZs that serves to reduce the distance of both of these SDZs. Once the several hundred feet of elevation gain between the firing points of the weapons and area where the species are depicted is applied, the current SDZ is reduced by as much as 30 percent from what is depicted in this figure. Also these SDZ are drawn to determine safety of human occupation. In other words a SDZ is based on a 1 in 10 thousand chance of a round of ammunition falling off the target but within this zone of danger. It does not depict where the vast majority of rounds will land, as the vast majority routinely fall within the target areas themselves. These SDZs also do not represent the tracer burn out distance, which is much shorter.

8. I have examined pages 261 and 262 from the Oahu Biological Assessment, and pages 65 and 66 from the Hawaii island Biological Assessment. These are an early estimate of the possible annual maximum ammunition usage by the entire Stryker Brigade for sustainment training in the state of Hawaii. These figures are not an accurate depiction of the levels of ammunition use by the 2nd Brigade to complete Operational New Equipment Training (“OPNET”) training and bring 2nd Brigade to the Initial Operating Capacity requirement. I estimate, that between now and when 2nd Brigade would go to collective training at the National Training Center and then be available for deployment in November 2007, they will expend less than 50% of the levels of ammunition use depicted on these pages. One reason is that the Stryker targeting systems are so accurate, soldiers simply have to shoot less to become proficient with the Stryker system.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.



RONALD L. BORNE



Date